

**ENTERED**

August 19, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

RUBEN GUTIERREZ, *et al*,

Plaintiffs,

VS.

LUIS V SAENZ, *et al*,

Defendants.

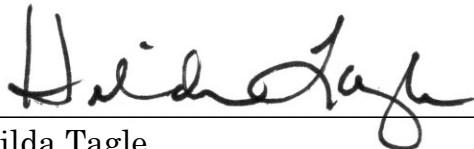
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CIVIL NO. 1:19-CV-185

**FINAL JUDGMENT**

The Court **DISMISSES** and **DENIES** all of Ruben Gutierrez's ("Gutierrez") DNA claims in this matter with the exception of the Court's March 23, 2021 declaratory judgment concluding that giving a defendant the right to a successive habeas petition for innocence of the death penalty under Texas Code of Criminal Procedure Article 11.071 § 5(a)(3) but then denying him DNA testing under Texas Code of Criminal Procedure Article 64.03(a)(C)(2)(A) unless he can demonstrate innocence of the crime is fundamentally unfair and offends procedural due process. Gutierrez's claims regarding the execution procedures as outlined in his Amended Complaint are now moot. The Court therefore **DISMISSES** Gutierrez's execution procedures claims **WITH PREJUDICE**.

SIGNED this 19th day of August 2021.



Hilda Tagle  
Senior United States District Judge